REMARKS

This submission under 37 C.F.R. 1.114 accompanies Applicants' Request for Continued Examination (RCE) and is in supplemental response to the final Office Action mailed June 2, 2005. By this response, claims 8 and 16 are amended. No new matter has been added.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §103

Claims 8-21

The Examiner has rejected claims 8-21 under 35 U.S.C. §103(a) as being unpatentable over Day et al. (U.S. Pat. 5,996,015, hereinafter "Day") in view of DeMoney (U.S. Patent 6,065,050, hereinafter "DeMoney") and Katinsky et al. (U.S. Pat. 6,452,609, hereinafter "Katinsky").

The Applicants respectfully disagree.

The present invention is directed towards reducing latency of video on demand (VOD) systems. As disclosed in the specification, the primary purpose of this invention is to enable information services that would be best implemented by sequencing video clips from a file server and presenting the sequence of video clips on, e.g., a display device in a manner avoiding visible or audible anomalies. Some non-zero latency is associated with a change in sequential presentation of playlist defined content streams. However, such latency is mitigated by careful construction of content streams, by ensuring that the stream controller has continuous access to the playlist and by utilizing

subscriber-side latency masking techniques (See, page 13, line 29 to page 14, line 2). The currently amended claims further include the limitations of "said server controller continuously accessing said playlist and utilizing subscriber-side latency masking techniques."

None of the cited prior art discloses, teaches, or suggests the present invention as a whole. Specifically, Day does not disclose, teach or suggest said server controller continuously accessing said playlist and utilizing subscriber-side latency masking techniques. Day merely teaches the need for the "communization" process to insure all the selected video include the same operating characteristics, and the creation of a seamless data stream. It does not continuously access the playlist, and it does not use subscriber-side latency masking techniques. DeMoney teaches an efficient index table having two-tuples for use with trick play streams. DeMoney is silent on "said server controller continuously accessing said playlist and utilizing subscriber-side latency masking techniques." Katinsky teaches a user friendly media player at the user terminal using "pageless" internet site where media streams are delivered to the user without the user having to navigate to different pages. The user manipulates the media icon to create a playlist of media objects. The sequencer allows the user to select media icons from the media icon panel, and to create and modify one or more user defined playlists. Katinsky is silent on "said server controller continuously accessing said playlist and utilizing subscriber-side latency masking techniques." Day, DeMoney or Katinsky, singly or in combination, does not disclose at least "said server controller continuously accessing said playlist and utilizing subscriber-side latency masking techniques." Thus, all the claimed limitations are not taught by the prior art, the rejections are improper because a prima facie obviousness was not established.

None of the cited prior art, singly or in combination, discloses the present invention as a whole. For at least the above reasons, Applicants submit that independent claims 8 and 16 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 9-15 and 17-21 depend, either directly or indirectly, from independent claims 8 and 16 and recite additional features thereof. As such, and at least for the same reasons as discussed above, Applicants submit that these dependent claims also fully satisfy the requirements

of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejections be withdrawn.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are non-obvious and patentable under the respective provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at 732-530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 9/13/05

Eamon J. Wall
Registration No. 39,414
Attorney for Applicant

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

393607_1.DOC